

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Office Action dated 28 March 2008. Responsive to the Office Action, independent Claims 11 and 16 have been amended herein to more clearly recite the elements of the invention of the subject Patent Application. Claims 11-20 remain pending in the subject Patent Application.

In the Office Action, the Examiner confirmed the receipt of the request for continued examination and the fee therefor submitted 19 February 2008. The Examiner then withdrew the 35 U.S.C. § 102(b) anticipation by Graves, et al., U.S. Patent Publication 2003/0103057 of the previous Office Action and instead rejected Claims 11-20 under 35 U.S.C. § 103(a) as being unpatentable over Graves.

Before discussing the reference relied upon by the Examiner in making the rejections, it is believed beneficial to initially and briefly review some of the features of the subject invention as defined by the Claims. As amended in the last Response and herein, each of Applicant's independent Claims 11 and 16 now more fully recite among its combination of features: obtaining intensity of luminance values and variation of chrominance values; calculating average and variance of the luminance values and the chrominance values, calculating a luminance-contrast adjustment based on the luminance values, constructing and applying a luminance curve to a video signal. This luminance curve is being based on "a luminance-mapping curve undulating about a point of inflection defined by a neutral point." Constructing a final enhancement mapping curve based on values of control factor intensity and the luminance values, wherein both ends

of the final enhancement mapping curve may be re-interpolated to provide a soft clipping effect.

No new matter has been entered herein, as all amendments are believed to be amply supported in the Specification, Claims, and Drawings as originally filed.

The term inflection point should be construed as one of ordinary skill in the pertinent art would understand it to mean. Merriam Webster defines 'inflection point' as: "a point on a curve that separates an arc concave upwards from one concave downward and vice versa." Thusly, and in accord with MPEP 2111, the Claim language should be given the broadest *reasonable* interpretation consistent with the specification. The specification more than clearly shows, at least in Fig. 3 (as originally filed) a "constructing ... a luminance mapping curve undulating about a point of inflection defined by a neutral point." The purposes, benefits, and objectives of this are clearly emphasized throughout the subject Patent Application.

In contradistinction to the Claims of the subject Patent Application, the Graves reference, merely discloses a post production tool. Among many distinctions and deficiencies, Graves no-where discloses or suggests constructing a luminance mapping curve undulating about a point of inflection defined by a neutral point.

The Examiner correlates the "auto-contrast buttons" of Graves with the claimed calculating luminance-contrast adjustment. However, it is expressly disclosed in paragraph 84 that the auto contrast buttons merely expand or contract the luma values to fall into the minimum and maximum allowed CCIR ranges, i.e. 16 and 235. In this instance then, no calculation is taking place, instead merely a shifting operation.

Still further, the Examiner correlates the claimed "constructing a luminance curve responsive to a luminance-mapping curve undulating about a point of inflection defined by a neutral point" with the representation of the colorspace in Graves. However, Graves does not anywhere disclose a mapping curve undulating about a point of inflection defined by a neutral point. Rather, Graves expressly calls for proportional modification.

The full combination of these and other features now more clearly recited by the pending Claims is nowhere disclosed or suggested by the cited Graves, et al. reference. Graves, et al. prescribes a graphical user interface which permits users to hand-pick certain pixels of color images for correction, and to test the images for over saturation and luminance clipping in order to precisely focus corrective action on those problematic pixels. The graphical user interface is intended for use by "post-production specialists" so that they might "have a wide latitude of control" manually over the colors seen in a series of images (paragraph [0052]). Where the specialist selects the colorspace of certain pixels in an image and graphically "push[es]" the pixels to adjust their luminance levels towards a desired hue, other luminance level pixels "are affected proportionally," or in certain cases "in a manner proportional to a difference between" selected and other pixel luminance levels (paragraph [0007]).

Examples of such manual adjustments and those proportionally corresponding thereto are illustrated by the curves shown in Figs. 14(a)-14(g) of the reference. The corresponding "proportional" adjustments characterize a response that clearly precludes any "undulating" "luminance-mapping curve," much less one which undulates "about a point of inflection defined by a neutral point," as each of the newly-amended independent Claims 11 and 16 now more clearly recites. The "proportional" effect (of Graves, et al.'s

the manual adjustment) upon the other pixels' luminance levels yield quite to the contrary.

Still further, it is submitted that Graves nowhere suggests, alludes to, or provides for: "constructing a final enhancement mapping curve based on values of control factor intensity and said luminance values, wherein both ends of the final enhancement mapping curve may be re-interpolated to provide a soft-clipping effect," as is necessary to newly amended independent Claims 11 and 16.

It is respectfully submitted therefore, that the cited Graves, et al. reference fails to suggest, allude to, or provide, and indeed teaches squarely away from the unique concatenation of interrelated features now more clearly recited by Applicants' pending Claims for the purposes and objectives disclosed in the subject Patent Application. The other references cited by the Examiner but not used in the rejection are believed to be further remote from Applicants' claimed method when patentability considerations are taken properly into account.

The dependent Claims are believed to have further patentable distinctions, but are believed allowable for at least the reasons presented *supra*.

It is now believed that the subject Patent Application has been placed fully in condition for allowance, and such action is respectfully requested.

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If there are any charges associated with this filing, the Honorable Commissioner
for Patents is hereby authorized to charge Deposit Account #18-2011 for such charges.

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